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5 UNITED STATES DISTRICT COURT  
6 NORTHERN DISTRICT OF CALIFORNIA

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8 UNITED STATES OF AMERICA, 4-07-70574 WDB

9 Plaintiff, ORDER GRANTING FOURTH  
10 v. STIPULATION TO WAIVE TIME UNDER  
11 MICHAEL MARTIN, et al., SPEEDY TRIAL ACT AND FOR  
12 Defendant. PRELIMINARY HEARING

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14 Pursuant to Fed. R. Crim. P. 5.1(d) and 18 U.S.C. §  
15 3161(h)(8), the parties in this matter have filed a Fourth  
16 Stipulation to Waive Time Under the Speedy Trial Act and for  
17 Preliminary Hearing, seeking to waive and extend the time for  
18 the preliminary hearing and to exclude the time between January  
19 29, 2008, through February 26, 2008, from the Speedy Trial  
20 Clock. The stipulation was signed by counsel of record as well  
21 as the defendants such that the defendants are knowingly and  
22 voluntarily waiving their rights to a preliminary hearing on  
23 January 29, 2008, and extending the preliminary hearing until  
24 February 26, 2008.

25 Good cause appearing therefor,

26 **IT IS HEREBY ORDERED** that the period between January 29,  
27 2008, and February 26, 2008, is excluded from the Speedy Trial  
28 Clock to allow counsel to effectively prepare, taking into

1 account the exercise of due diligence. 18 U.S.C. §  
2 3161(h)(8)(B)(iv). The Court finds that the "ends of justice  
3 served by the granting of such continuance outweigh[s] the best  
4 interests of the public and the defendant in a speedy trial."  
5 18 U.S.C. § 3161(h)(8)(A). Additionally, the Court finds that  
6 the defendants knowingly and voluntarily waived the period  
7 between January 29, 2008, and February 26, 2008, such that  
8 preliminary hearing is now scheduled for February 26, 2008, at  
9 10:00 a.m.

10 Dated: January 25, 2008

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13 WAYNE D. BRAZIL, Judge  
14 United States District Court

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